

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

ROBERT ALLEN RYTLEWSKI,

Plaintiff,

v

Case No. 19-11243

Honorable Thomas L. Ludington

BAY, COUNTY OF,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING PLAINTIFF'S  
AFFIDAVIT REGARDING FINANCIAL HARDSHIP, AND DIRECTING PLAINTIFF  
TO SUBMIT FILING FEE**

On April 24, 2019, Plaintiff Robert Rytlewski filed a complaint against Defendant Bay County. He alleges that Defendant violated the Fourteenth Amendment by not informing the United States government of Plaintiff's birth in 1958. ECF No. 1. Plaintiff claims that this has prevented him from being recognized as an American citizen.

Plaintiff did not submit a filing fee when he filed his complaint. However, he did file an affidavit of financial hardship. The only justification he provided for waiver of the filing fee was "payment of filing fees would be a financial hardship for me." ECF No. 3. Plaintiff's affidavit of financial hardship was referred to Magistrate Judge Morris. She directed Plaintiff to file by June 4 a completed AO 240 for Application to Proceed Without Prepayment of Fees or Costs. ECF No. 7. Plaintiff did not file the application nor did he pay the filing fee by June 4. Accordingly, Judge Morris recommended that Plaintiff's affidavit of financial hardship be denied. ECF No. 11.

Although the magistrate judge's report explicitly states that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, neither party has filed any objections. The election not to file objections to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474

U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal. *Id.*

Accordingly, it is **ORDERED** that the report and recommendation, ECF No. 11, is **ADOPTED**.

It is further **ORDERED** that Plaintiff's affidavit of financial hardship, ECF No. 3, is **DENIED**.

It is further **ORDERED** that leave for Plaintiff to proceed *in forma pauperis* is **DENIED**.

It is further **ORDERED** that if Plaintiff intends to continue prosecuting his case, he must pay the \$400 filing fee by **July 22, 2019**. Otherwise, Plaintiff's complaint will be dismissed.

Dated: July 12, 2019

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon **Robert Allen Rytlewski**, 10955 14 Mile Rd. NE, Unit 55, Rockford, MI 49341 by first class U.S. mail on July 12, 2019.

s/Kelly Winslow  
KELLY WINSLOW, Case Manager